

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RANDY WADE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV00940 AGF
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g). Following a hearing on Plaintiff's application for disability insurance benefits and supplemental security income, an Administrative Law Judge ("ALJ") found that Plaintiff was not disabled. The decision of the ALJ became the final decision of Defendant, the Commissioner of Social Security, and Plaintiff sought judicial review of the adverse ruling.

The Commissioner now states that upon remand by the Court, the Appeals Council of the Social Security Administration will remand the case to the ALJ for proper consideration of the opinion of Plaintiff's treating physician and of new evidence submitted by Plaintiff. Plaintiff's counsel has represented to the Court that Plaintiff does not oppose the Commissioner's motion.

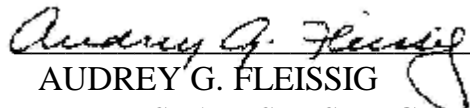
Sentence four of 42 U.S.C. § 405(g) provides that upon judicial review, "[t]he

court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Court concludes that the Commissioner’s motion should be granted in this case.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s motion to reverse and remand the case is **GRANTED**. [Doc. #27]

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 7th day of January, 2011.